8/6/71

Dear Paul,

Another word on FOI suits: despite Cook the DOJ has filed but one. I had to check to find the other day because of a key matter, so I phoned. Having completed that, I asked him if anything were [illegible] and that their FOI suit had been dismissed without [illegible] on the 3rd. Fla. [illegible]. [illegible] purposes in telling you this, for you do not want to engage in futilities. What a it might or might not have tested a principle of law but it would have yielded nothing to the critical community, it having as its objective nothing only what was made available to [illegible]. And only if here established a principle that would have given the law new viability, for it depended on [illegible] I think is [illegible] by [illegible] decisions. But it is the glaring road now, I omit less a [illegible] about almost any other, regarding an ongoing criminal case, which will [illegible] any judge to believe there can be applicability of the exemption, and now when he could be doing worthwhile things, has to wrestle with another appeal, this one establishing nothing good for us and risking the bad. Hall's attitude was Keider could have it, they couldn't/ His ambition to be something rather than to do something is unhealthy. But my purpose is to add emphasis to my earlier cautions. Pick of all, pick the case well and then expect to have to appeal, all the way...Even there Hall has messed them up, by never [illegible] down better-and the one I lost was anything but that. There DOJ says the A had promised to take pictures, and find dead they did after I filed, I have just come to the previous-to-filing letter which explains that they do not, why they do and will not, and that is only part of the victory in this defeat. I am waiting to hear from the court on what lawyer they've appointed. The clerks seem to be busy burning up my appeals time, which is okay, I'll fight that and that I think the papers will now take. So, I feel that a court loss can be a victory, but in the RFK case, I do not and I hold accountable a poor investigative norms. Exhausting administrative remedies preparatory to suing, establishing a clear record, all these things are fine. But before you file, pick with great care, say, an investigatory files, for there the courts will lean over backward. And then be sure to pick one that, like my spectro, clearly involves no such thing, and if the ruling is against you, the record and right are clear. There are too many clear cases for one of us to file even a fuzzy one. If I hear anything further, I'll let you know. But don't be overwhelmed by your lack of knowledge of the law. I got the summary judgement in the 1st case when Hud was away. He lost the second (as he would before than judge regardless) by ignoring the logical stuff I gave him and made a poorer record that he could. And I did better on the third than he in RFK. So, be unafraid of your own judgement, but test it against us. Last, HJ